

HB3898



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB3898

Introduced 12/11/2011, by Rep. Bill Mitchell

SYNOPSIS AS INTRODUCED:

105 ILCS 5/27A-9

Amends the School Code to prohibit the State Charter School Commission from reversing a local school board's decision to deny, revoke, or not to renew a charter if the campus of the charter school is to be located on a public community college campus. Effective immediately.

LRB097 14627 RPM 59507 b

A BILL FOR

1 AN ACT concerning education.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The School Code is amended by changing Section
5 27A-9 as follows:

6 (105 ILCS 5/27A-9)

7 Sec. 27A-9. Term of charter; renewal.

8 (a) A charter may be granted for a period not less than 5
9 and not more than 10 school years. A charter may be renewed in
10 incremental periods not to exceed 5 school years.

11 (b) A charter school renewal proposal submitted to the
12 local school board or the Commission, as the chartering entity,
13 shall contain:

14 (1) A report on the progress of the charter school in
15 achieving the goals, objectives, pupil performance
16 standards, content standards, and other terms of the
17 initial approved charter proposal; and

18 (2) A financial statement that discloses the costs of
19 administration, instruction, and other spending categories
20 for the charter school that is understandable to the
21 general public and that will allow comparison of those
22 costs to other schools or other comparable organizations,
23 in a format required by the State Board.

1 (c) A charter may be revoked or not renewed if the local
2 school board or the Commission, as the chartering entity,
3 clearly demonstrates that the charter school did any of the
4 following, or otherwise failed to comply with the requirements
5 of this law:

6 (1) Committed a material violation of any of the
7 conditions, standards, or procedures set forth in the
8 charter.

9 (2) Failed to meet or make reasonable progress toward
10 achievement of the content standards or pupil performance
11 standards identified in the charter.

12 (3) Failed to meet generally accepted standards of
13 fiscal management.

14 (4) Violated any provision of law from which the
15 charter school was not exempted.

16 In the case of revocation, the local school board or the
17 Commission, as the chartering entity, shall notify the charter
18 school in writing of the reason why the charter is subject to
19 revocation. The charter school shall submit a written plan to
20 the local school board or the Commission, whichever is
21 applicable, to rectify the problem. The plan shall include a
22 timeline for implementation, which shall not exceed 2 years or
23 the date of the charter's expiration, whichever is earlier. If
24 the local school board or the Commission, as the chartering
25 entity, finds that the charter school has failed to implement
26 the plan of remediation and adhere to the timeline, then the

1 chartering entity shall revoke the charter. Except in
2 situations of an emergency where the health, safety, or
3 education of the charter school's students is at risk, the
4 revocation shall take place at the end of a school year.
5 Nothing in this amendatory Act of the 96th General Assembly
6 shall be construed to prohibit an implementation timetable that
7 is less than 2 years in duration.

8 (d) (Blank).

9 (e) Notice of a local school board's decision to deny,
10 revoke or not to renew a charter shall be provided to the
11 Commission and the State Board. The Commission may reverse a
12 local school board's decision if the Commission finds that the
13 charter school or charter school proposal (i) is in compliance
14 with this Article, and (ii) is in the best interests of the
15 students it is designed to serve. However, the Commission may
16 not reverse a local school board's decision if the campus of
17 the charter school is to be located on a public community
18 college campus. The State Board may condition the granting of
19 an appeal on the acceptance by the charter school of funding in
20 an amount less than that requested in the proposal submitted to
21 the local school board. Final decisions of the Commission shall
22 be subject to judicial review under the Administrative Review
23 Law.

24 (f) Notwithstanding other provisions of this Article, if
25 the Commission on appeal reverses a local board's decision or
26 if a charter school is approved by referendum, the Commission

1 shall act as the authorized chartering entity for the charter
2 school. The Commission shall approve the charter and shall
3 perform all functions under this Article otherwise performed by
4 the local school board. The State Board shall determine whether
5 the charter proposal approved by the Commission is consistent
6 with the provisions of this Article and, if the approved
7 proposal complies, certify the proposal pursuant to this
8 Article. The State Board shall report the aggregate number of
9 charter school pupils resident in a school district to that
10 district and shall notify the district of the amount of funding
11 to be paid by the Commission to the charter school enrolling
12 such students. The Commission shall require the charter school
13 to maintain accurate records of daily attendance that shall be
14 deemed sufficient to file claims under Section 18-8.05
15 notwithstanding any other requirements of that Section
16 regarding hours of instruction and teacher certification. The
17 State Board shall withhold from funds otherwise due the
18 district the funds authorized by this Article to be paid to the
19 charter school and shall pay such amounts to the charter
20 school.

21 (g) For charter schools authorized by the Commission, the
22 Commission shall quarterly certify to the State Board the
23 student enrollment for each of its charter schools.

24 (h) For charter schools authorized by the Commission, the
25 State Board shall pay directly to a charter school any federal
26 or State aid attributable to a student with a disability

1 attending the school.

2 (Source: P.A. 96-105, eff. 7-30-09; 97-152, eff. 7-20-11.)

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.